

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WILLIAM O. ESHENRODER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JANE M. ESHENRODER,

Respondent-Appellant.

UNPUBLISHED

April 12, 2005

No. 258554

St. Clair Circuit Court

Family Division

LC No. 03-000045-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions of adjudication were respondent's substance abuse and history of criminal activity. Respondent exposed the minor child to cocaine prenatally and disappeared for three days without notice while the child was in the care of respondent's domestic partner. Evidence of respondent's failure to complete drug treatment and her repeated relapses during this matter supported the trial court's conclusion that respondent has not successfully addressed her drug addiction. Respondent has continued a pattern of activity resulting in criminal charges and parole violations throughout this matter. Respondent's continued drug use has resulted in her incarceration on three separate occasions since the adjudication of this matter. Given respondent's lack of progress throughout these proceedings, the trial court did not clearly err in determining that the statutory grounds had been established.

Furthermore, the trial court did not clearly err by finding that termination would not be clearly contrary to the best interests of the child. MCL 712A.19b(5). The minor child has not been in respondent's care since the age of seven months and is now two years old. Particularly considering the young age of the child and the uncertainty of future recovery by respondent, we

are left with no impression that the trial court made a mistake by finding that termination was not contrary to the best interests of the child.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder